

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND COMMERCE**

**Call to Order:** By Chairman Rick Ripley, on February 6, 2007 at 8:00 A.M., in Room 317-C Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Rick Ripley, Chairman (R)  
Sen. Ken (Kim) Hansen, Vice Chairman (D)  
Rep. John L. Musgrove (D)  
Sen. Bill Tash (R)  
Sen. Mitch Tropila (D)  
Rep. Craig Witte (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Pam Joehler, Legislative Branch  
Cindy Peterson, Committee Secretary  
Barbara Smith, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted:

Executive Action: DOA-DP 1501, DP 1502, DP 3001  
DP 3004, DP 3005, DP 3010, DP 3011  
DP 3002, DP 3003, DP 5004, DP 5005  
DP 5006, DP 5007, DP 5008, DP 5014  
DEQ-DP 4007, DP 4008, DP 5001  
DP 4007, DP 5029, DP 5018,  
DNRC-Option 1 in the Reserved Water  
Right Compact Commission.  
DOL-DP 1012

**Department of Agriculture**

**Discussion:**

00:00:29 Sen. Tropila  
00:01:07 Kathy Seacat

**EXECUTIVE ACTION ON DP 1501**

00:04:02 **Motion/Vote:** Sen. Hansen moved that **DP 1501 BE ADOPTED.**  
Motion carried unanimously by roll call vote.

**EXECUTIVE ACTION ON DP 1502**

00:04:59 **Motion/Vote:** Rep. Musgrove moved that **DP 1502 BE ADOPTED.** Motion carried 5-1 by roll call vote with Rep. Witte voting no.

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**EXECUTIVE ACTION ON DP 3001**

00:06:03 **Motion:** Sen. Hansen moved that **DP 3001 BE ADOPTED.**

**Discussion:**

00:06:18 Rep. Woody  
00:06:58 Kathy Seacat  
00:07:55 Rep. Ripley  
00:08:05 Kathy Seacat  
00:08:09 Sen. Tropila  
00:08:17 Kathy Seacat  
00:08:33 Rep. Witte  
00:09:16 Kathy Seacat  
00:10:18 Rep. Ripley  
00:10:30 Rep. Witte  
00:11:14 Kathy Seacat

00:12:11 **Vote:** Motion carried 5-1 by roll call vote with Rep. Witte voting no.

**EXECUTIVE ACTION ON DP 3004**

00:12:47 **Motion:** Rep. Musgrove moved that **DP 3004 BE ADOPTED.**

**Discussion:**

00:13:06 Sen. Tropila  
00:14:04 Nancy Peterson  
00:14:17 Rep. Witte  
00:14:38 Rep. Musgrove  
00:14:55 Rep. Witte  
00:15:46 Rep. Ripley  
00:16:03 Greg Ames, Department of Agriculture  
00:17:53 Rep. Witte  
00:18:10 Mr. Ames  
00:18:16 Rep. Witte  
00:18:25 Mr. Ames  
00:18:48 Rep. Witte  
00:18:55 Mr. Ames  
00:19:10 Sen. Hansen  
00:19:34 Mr. Ames  
00:20:01 Sen. Hansen  
00:20:05 Mr. Ames  
00:20:15 Rep. Ripley  
00:20:20 Mr. Ames  
00:20:56 Rep. Ripley  
00:21:17 Rep. Witte  
00:21:36 Rep. Musgrove  
00:21:48 Mr. Ames  
00:22:20 Rep. Ripley  
00:22:24 Mr. Ames  
00:22:57 Ms. Seacat  
00:23:30 Rep. Ripley  
00:24:01 Ms. Seacat  
00:24:27 Rep. Witte  
00:25:03 Pam Joehler  
00:25:57 Sen. Tropila  
  
00:26:17 **Vote:** Motion carried 5-0 by roll call vote.

**EXECUTIVE ACTION ON DP 3005**

00:26:49 **Motion:** Sen. Hansen moved that **DP 3005 BE ADOPTED.**

**Discussion:**

00:27:18 Rep. Ripley  
00:27:28 Mr. Ames  
  
00:28:22 **Vote:** Motion failed 3-3 by roll call vote with Sen. Hansen, Rep. Musgrove, and Sen. Tropila voting aye.

**EXECUTIVE ACTION ON DP 3010**

00:29:07 **Motion:** Sen. Tropila moved that DP 3010 BE ADOPTED.

**Discussion:**

00:29:25 Sen. Tash

00:29:57 **Substitute Motion:** Sen. Tropila made a substitute motion that DP 3010 BE ONE TIME ONLY WITH A PERFORMANCE REPORT TO GO TO THE JOINT APPROPRIATIONS SUB-COMMITTEE OF NATURAL RESOURCES AND COMMERCE NEXT SESSION.

**Discussion:**

00:30:39 Sen. Tropila

00:30:54 Sen. Tash

00:31:41 Ms. Joehler

00:32:07 Sen. Tropila

00:33:15 Sen. Tash

00:34:16 **Vote:** Motion carried 5-1 by roll call vote with Rep. Witte voting no.

**EXECUTIVE ACTION ON DP 3011**

00:34:47 **Motion:** Sen. Tropila moved that DP 3011 BE ADOPTED.

**Discussion:**

00:35:05 Rep. Witte

00:35:35 Mr. Ames

00:37:34 Rep. Musgrove

00:38:02 Rep. Ripley

00:38:09 Mr. Ames

00:38:56 Rep. Witte

00:39:55 **Vote:** Motion carried 6-0 by roll call vote.

**EXECUTIVE ACTION ON DP 3002**

00:40:26 **Motion:** Sen. Hansen moved that DP 3002 BE ADOPTED.

**Discussion:**

00:40:51 Rep. Ripley

00:40:56 Mr. Ames  
00:41:44 Sen. Hansen  
00:42:34 Rep. Musgrove  
00:43:02 Mr. Ames  
00:44:02 Rep. Musgrove  
00:44:19 Mr. Ames  
00:45:26 Rep. Musgrove  
00:45:37 Rep. Ripley  
00:45:51 Mr. Ames  
00:46:31 Rep. Ripley  
00:47:02 Mr. Ames  
00:47:40 Rep. Witte  
00:48:03 Sen. Tash  
00:48:29 Mr. Ames  
00:49:15 Sen. Tash  
00:49:32 Mr. Ames  
00:50:57 Rep. Ripley

00:51:16 **Vote:** Motion carried unanimously by voice vote.

#### **EXECUTIVE ACTION ON DP 3003**

#### **Discussion:**

00:52:02 Nancy Peterson, Director, Department of Agriculture  
00:52:58 Rep. Ripley  
00:53:22 Rep. Witte  
00:54:23 Mr. Ames  
00:56:04 Rep. Witte  
00:57:00 Mr. Ames  
00:58:04 Rep. Witte  
00:58:15 Mr. Ames  
00:59:17 Rep. Witte  
00:59:38 Mr. Ames  
01:00:04 Rep. Witte  
01:00:29 Rep. Ripley  
01:01:20 Mr. Ames  
01:04:38 Rep. Witte  
01:04:53 Mr. Ames  
01:05:46 Sen. Tash  
01:06:49 Rep. Ripley  
01:07:02 Rep. Musgrove  
01:07:23 Rep. Ripley  
01:08:04 Mr. Ames  
01:08:54 Rep. Witte  
01:09:38 Ms. Joehler  
01:10:18 Rep. Witte  
01:10:30 Ms. Seacat

01:11:12 Sen. Tropila  
01:13:01 Rep. Ripley  
01:13:24 Sen. Tropila  
01:13:48 Rep. Witte  
01:14:30 Rep. Ripley

01:14:39 **Motion:** Rep. Witte moved **DP 3003 BE ADOPTED TO  
TRANSFER \$2.5 MILLION ONE-TIME ONLY TO THE TRUST FUND  
UNTIL FISCAL YEAR 2009.**

**Discussion:**

01:15:12 Rep. Musgrove

01:15:58 **Substitute Motion:** Sen. Tropila made a substitute  
motion that **DP 3003 BE \$5 MILLION ONE TIME ONLY.**

**Discussion:**

01:16:35 Rep. Witte

01:17:02 **Vote:** Motion carried 5-1 by roll call vote with Rep.  
Witte voting no.

**Discussion:**

01:17:50 Sen. Tropila  
01:17:59 Ms. Joehler  
01:18:40 Rep. Musgrove  
01:18:55 Rep. Ripley  
01:19:11 Sen. Hansen  
01:19:45 Rep. Ripley  
01:20:27 Rep. Musgrove  
01:20:49 Rep. Ripley  
01:21:03 Rep. Musgrove  
01:21:39 Sen. Tash

**EXECUTIVE ACTION ON DP 5004**

01:22:39 **Motion/Vote:** Rep. Musgrove moved that **DP 5004 BE  
ADOPTED.** Motion carried 5-1 by roll call vote with Rep.  
Witte voting no.

**EXECUTIVE ACTION ON DP 5005**

01:23:36 **Motion:** Sen. Hansen moved that **DP 5005 BE ADOPTED.**

**Discussion:**

01:23:51 Rep. Witte

01:24:07 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON DP 5006**

01:24:26 **Motion:** Rep. Musgrove moved that DP 5006 BE ADOPTED.

**Discussion:**

01:24:40 Rep. Witte

01:25:30 Ms. Seacat

**EXECUTIVE ACTION ON DP 5007**

01:25:54 **Motion/Vote:** Rep. Witte moved that DP 5007 BE ADOPTED.  
Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON DP 5006 (CONTINUED)**

**Discussion:**

01:26:29 Ms. Joehler

01:26:47 Ms. Seacat

01:27:45 Rep. Witte

01:28:39 **Motion/Vote:** Rep. Musgrove moved that DP 5006 BE  
ADOPTED. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON DP 5008**

01:29:04 **Motion:** Sen. Hansen moved that DP 5008 BE ADOPTED.

**Discussion:**

01:29:21 Rep. Witte

01:29:59 Joel Clairmont, Agriculture Development Division  
Administrator

01:30:47 Rep. Witte

01:31:36 Ms. Seacat

01:32:10 Rep. Witte

01:32:41 Ms. Seacat

01:33:11 Rep. Ripley

01:33:47 Rep. Witte

01:34:06 Sen. Tropila

01:34:17 Rep. Witte

01:34:23 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON DP 5014**

01:34:41 **Motion:** Rep. Musgrove moved **DP 5014 BE ADOPTED AND REDUCED TO \$120,041 FOR FISCAL YEAR 2008; AND TO \$117,700 FOR FISCAL YEAR 2009.**

**Discussion:**

01:34:57 Ms. Joehler

01:38:40 **Vote:** Motion carried unanimously by voice vote.

**Discussion:**

01:39:36 Eileen Rose, OBPP

01:39:56 Ms. Joehler

01:40:40 Break

01:53:50 Reconvene

**Department of Environmental Quality**

01:54:11 Barbara Smith, Legislative Fiscal Division

**EXECUTIVE ACTION ON DP 4007**

01:56:34 **Motion:** Rep. Musgrove moved that **DP 4007 BE ADOPTED AS ONE TIME ONLY.**

**Discussion:**

01:57:03 Rep. Musgrove

01:57:28 Rep. Ripley

01:57:40 Art Compton, Department of Environmental Quality

01:58:36 Rep. Ripley

01:58:43 Mr. Compton

02:00:19 Rep. Musgrove

02:00:51 Rep. Ripley

02:00:59 Mr. Compton



02:02:29 **Vote:** Motion failed 3-3 by roll call vote with Sen. Hansen, Rep. Musgrove, and Sen. Tropila voting aye.

**EXECUTIVE ACTION ON DP 4008**

02:03:27 **Motion:** Sen. Tropila moved that **DP 4008 BE ADOPTED.**

**Discussion:**

02:04:03 Sen. Tropila  
02:05:08 Rep. Ripley  
02:05:12 Rep. Musgrove  
02:05:24 Richard Opper, Director, Department of Environmental Quality  
02:05:37 Rep. Ripley  
02:06:06 Mr. Opper  
02:07:05 Rep. Ripley  
02:07:18 Mr. Opper  
02:08:22 Rep. Ripley  
02:09:03 Sandi Olsen, Department of Environmental Quality  
02:10:48 Rep. Ripley  
02:11:02 Ms. Olsen  
02:11:51 Sen. Tropila  
02:12:21 Mr. Opper  
02:13:36 Sen. Tropila  
02:13:55 Rep. Witte  
02:14:26 Mr. Opper

02:15:48 **Substitute Motion:** Sen. Tropila made a substitute motion that **DP 4008 BE AMENDED TO BE ONE TIME ONLY RESTRICTED FUNDS, AND INCLUDE A PERFORMANCE REPORT.**

**Discussion:**

02:16:51 Rep. Witte  
02:17:43 Ms. Olsen  
02:19:14 Rep. Witte  
02:19:46 Rep. Ripley  
02:19:55 Rep. Musgrove

02:20:29 **Vote:** Motion carried unanimously by roll call vote.

**EXECUTIVE ACTION ON RECONSIDERATION OF DP 5001**

02:21:06 **Motion:** Rep. Musgrove moved to **RECONSIDER THE MOTION ON DP 5001.**

**Discussion:**

02:21:41 Steve Welch  
02:22:36 Rep. Ripley  
02:22:43 Mr. Welch  
02:23:08 Rep. Musgrove  
02:23:23 Ms. Smith  
02:23:48 Mr. Welch  
02:24:14 Rep. Ripley  
02:24:19 Ms. Smith  
02:24:52 Rep. Witte  
02:25:22 Rep. Musgrove  
02:25:50 Ms. Smith  
02:26:33 Rep. Musgrove  
02:26:42 Mr. Welch  
02:27:44 Rep. Musgrove  
02:28:10 Ms. Smith  
02:29:12 Rep. Musgrove  
02:29:19 Ms. Smith  
02:29:42 Mr. Welch  
02:30:31 Rep. Ripley  
02:31:04 Mr. Welch  
02:32:23 Ms. Smith  
02:32:45 Rep. Musgrove  
02:33:04 Rep. Ripley

02:33:24 Rep. Musgrove withdrew his motion to reconsider.

02:33:40 Ms. Smith  
02:33:44 Mr. Welch  
02:34:31 Ms. Smith

02:35:25 Rep. Musgrove moved **THE LANGUAGE THAT DEALS WITH  
PETROLEUM TANK COMPENSATION BOARD BE ADOPTED.**

**EXHIBIT**(jnh26a01)

02:35:52 **Vote:** Motion carried unanimously by roll call vote.

**EXECUTIVE ACTION ON RECONSIDERATION OF DP 4007**

02:36:32 **Motion:** Sen. Hansen moved to **RECONSIDER THE MOTION ON  
DP 4007.**

**Discussion:**

02:37:14 Sen. Hansen  
02:37:58 Ms. Olsen  
02:38:44 Sen. Tash

02:38:55 Ms. Olsen

02:39:39 Rep. Musgrove

**EXHIBIT(jnh26a02)**

02:40:38 Ms. Smith

02:40:55 **Vote:** Motion carried 4-2 by roll call vote with Rep. Ripley and Sen. Tash voting no.

**EXECUTIVE ACTION ON RECONSIDERATION OF DP 5029**

02:41:42 **Motion:** Sen. Hansen moved to **RECONSIDER THE MOTION on DP 5209.**

**Discussion:**

02:42:19 Sen. Hansen

02:43:36 Tom Livers, Department of Environmental Quality

02:46:53 Rep. Witte

02:47:15 Mr. Livers

02:48:18 Rep. Witte

02:48:57 Mr. Livers

02:49:30 Rep. Ripley

02:49:43 Mr. Livers

02:50:39 **Vote:** Motion carried 4-2 by roll call vote with Rep. Ripley and Sen. Tash voting no.

**EXECUTIVE ACTION ON RECONSIDERATION OF DP 5018**

02:51:54 **Motion:** Rep. Witte moved to **RECONSIDER THE MOTION on DP 5018.**

**Discussion:**

02:52:13 Rep. Witte

02:53:06 **Vote:** Motion carried 4-2 with Rep. Ripley and Sen. Tash voting no.

**Department of Natural Resources and Conservation**

02:54:32 Ms. Smith

**EXECUTIVE ACTION ON OPTION 1 RESERVED WATER RIGHT COMPACT  
COMMISSION**

02:56:25 **Motion:** Sen. Tropila moved that **OPTION 1 BE ADOPTED.**

**Discussion:**

02:57:40 Sen. Tropila  
02:58:16 Sen. Tash  
02:58:57 Rep. Witte  
02:59:18 Rep. Ripley  
02:59:36 Sen. Tropila  
02:59:47 Susan Cottingham, Reserved Water Right Compact  
Commission  
03:00:50 Ms. Smith  
03:01:23 Ms. Cottingham  
03:01:39 Ms. Smith  
03:01:51 Sen. Tropila  
03:02:07 Sen. Tash

03:02:18 **Vote:** Motion carried unanimously by voice vote on  
**OPTION ONE AND THE LANGUAGE IN OPTION 2.**

**Department of Livestock**

03:03:58 Ms. Joehler

03:06:50 **Motion/Vote:** Rep. Musgrove moved that **DP 1012 BE  
ADOPTED.** Motion carried unanimously by voice vote.

**Discussion:**

03:07:20 Rep. Musgrove  
03:07:32 George Harris, Acting Executive Officer to the  
Department of Livestock  
03:07:54 Rep. Musgrove  
03:08:19 Mr. Harris  
03:09:46 Rep. Musgrove  
03:09:54 Mr. Harris  
03:10:35 Rep. Ripley

**Additional Exhibits:**

[EXHIBIT\(jnh26a03\)](#)

[EXHIBIT\(jnh26a04\)](#)

[EXHIBIT\(jnh26a05\)](#)

February 6, 2007

PAGE 13 of 13

**ADJOURNMENT**

03:10:56 Adjournment

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REP. RICK RIPLEY, Chairman

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CINDY PETERSON, Secretary

RR/cp

Additional Exhibits:

**EXHIBIT ([jnh26aad.pdf](#))**